**War crimes**

At the heart of the concept of war crimes is the idea that individuals can be held criminally responsible for the actions of a country or its soldiers.

War crimes and crimes against humanity are among the gravest crimes in international law.

They are considered so serious that there is no period of limitation for such crimes - which means that those who commit them can be prosecuted and punished no matter how much time has elapsed since the crimes were committed.

**Historical note**

The concept of war crimes is a recent one. Before World War II, it was generally accepted that the horrors of war were part of the nature of war, and recorded examples of war crimes go back to Greek and Roman times.

Before the twentieth century armies frequently behaved brutally to enemy soldiers and non-combatants alike - and whether there was any punishment for this depended on who eventually won the war.

Commanders and politicians usually escaped any punishment for their role in war - or, if they lost, were summarily executed or imprisoned.

There was no structured approach to dealing with 'war crimes' nor any general agreement that political and military leaders should take criminal responsibility for the acts of their states or their troops.

Attitudes changed during World War II when the murder of several million people - mainly Jews - by Nazi Germany, and the mistreatment of both civilians and prisoners of war by the Japanese, prompted the Allied powers to prosecute the people they believed to be the perpetrators of these crimes.

These trials provide the main precedents for cases being heard by tribunals in this century, among them the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague.

**Victor's justice**

People are usually only tried for war crimes if their country loses the war - a victorious nation rarely tries its own people for war crimes - with the result that war crimes trials can look like revenge trials, and be seen as acts of injustice themselves.

But this isn't always the case - several Americans were tried for war crimes committed in the Vietnam conflict, and the war crimes trials relating to conflict in the former Yugoslavia is likely to be a significant exception to this tradition.

**What acts are war crimes?**

War crimes are defined by the Geneva Conventions, the precedents of the Nuremberg Tribunals, an older area of law referred to as the Laws and Customs of War, and, in the case of the former Yugoslavia, the statutes of the International Criminal Tribunal in The Hague (ICTY).  
  
War crimes fall into three groups - or four if you include genocide.

**Crimes against peace**

* planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances
* participation in a common plan or conspiracy for the accomplishment of any of the above

**War crimes**

Violations of the laws or customs of war, including:

* Atrocities or offences against persons or property, constituting violations of the laws or customs of war
* murder, ill treatment or deportation to slave labour or for any other purpose of the civilian population in occupied territory
* murder or ill treatment of prisoners of war or persons on the seas
* killing of hostages
* torture or inhuman treatment, including biological experiments
* plunder of public or private property
* wanton destruction of cities, towns or villages
* devastation not justified by military necessity

**Crimes against humanity**

Atrocities and offences committed against any civilian population, before or during the war, including:

* murder
* extermination
* enslavement
* deportation
* mass systematic rape and sexual enslavement in a time of war
* other inhumane acts
* persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated

**Responsibility for such crimes**

Leaders, organisers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the crimes above are criminally responsible for everything done by anyone in carrying out such a plan.

**Superior orders**

The fact that a person was obeying an order of his Government or of a superior does not free him from responsibility, but can be considered and may reduce the appropriate punishment.

A very detailed list of crimes against humanity and war crimes can be found in articles 7 and 8 of the Rome Statute of the International Criminal Court

**Genocide**

Genocide is considered one of the most severe crimes against humanity. It means the deliberate attempt to destroy a national, ethnic, racial or religious group.

The term was coined in 1943 by the Jewish-Polish lawyer Raphael Lemkin who combined the Greek word 'genos' (race or tribe) with the Latin word 'cide' (to kill).

* After witnessing the horrors of the Holocaust - in which every member of his family except his brother and himself was killed - Dr Lemkin campaigned to have genocide recognised as a crime under international law.
* His efforts led to the adoption of the UN Convention on Genocide in December 1948, which came into force in January 1951.

**Definition**

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

* killing members of the group
* causing serious bodily or mental harm to members of the group
* deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part
* imposing measures intended to prevent births within the group
* forcibly transferring children of the group to another group

Individuals are chosen as victims purely, simply and exclusively because they are members of the target group, and not because of anything an individual has done.

Genocide is a crime under international law even if it is not a crime in the country where it takes place, and incitement to commit genocide is also a crime.

**Difficulties**

The definition of genocide above is considered too narrow by many experts. They say that none of the mass killings since the treaty's adoption would be covered by it.

The objections most frequently raised against the treaty include:

* the convention excludes targeted political and social groups, such as the middle classes, the Kulaks and the intelligentsia.
* it is limited to direct acts against people, and excludes acts against the environment which sustains them or their cultural distinctiveness, for example the destruction of Tibetan culture by the Chinese
* proving intention beyond reasonable doubt is extremely difficult
* UN member states are hesitant to single out other members or intervene, as was the case in Rwanda
* there is no body of international law to clarify the parameters of the convention
  + this will change as UN war crimes tribunals issue indictments
* the difficulty of defining or measuring 'in part'

**Modern alleged genocides**

This incomplete list of modern genocides includes a number of alleged genocides, where there is still argument about whether the action amounted to genocide, or where judicial proceedings are not complete.

* **Armenia 1915-1923:** Armenians say about 1.5 million people were slaughtered by Ottoman Turks between 1915 and 1923.
  + Turkey rejects the term genocide and says the figure was closer to 300,000 Armenians killed among other numerous victims of a partisan war raging in World War I as the Ottoman Empire collapsed.
* **Europe 1930s and 40s - The Holocaust:** The killing of the Jews, Roma (gypsies) and others by the Nazis.
* **Rwanda 1994:** 800,000 Tutsis and moderate Hutus were killed, and an unknown number forced to flee the country.
* **Former Yugoslavia 1992-1995:** Trials continuing at The Hague.

**The Nuremberg Trials**

[British](http://en.wikipedia.org/wiki/UK) [War Cabinet](http://en.wikipedia.org/wiki/War_Cabinet) documents, released on 2 January 2006, showed that as early as December 1944, the Cabinet had discussed their policy for the punishment of the leading Nazis if captured. [British Prime Minister](http://en.wikipedia.org/wiki/Prime_Minister_of_the_United_Kingdom) [Winston Churchill](http://en.wikipedia.org/wiki/Winston_Churchill) had then advocated a policy of [summary execution](http://en.wikipedia.org/wiki/Summary_execution) in some circumstances, with the use of an [Act of Attainder](http://en.wikipedia.org/wiki/Act_of_Attainder) to circumvent legal obstacles, being dissuaded from this only by talks with US leaders later in the war.

In late 1943, during the Tripartite Dinner Meeting at the [Tehran Conference](http://en.wikipedia.org/wiki/Tehran_Conference), the [Soviet](http://en.wikipedia.org/wiki/Soviet_Union) leader, [Joseph Stalin](http://en.wikipedia.org/wiki/Joseph_Stalin), proposed executing 50,000–100,000 German staff officers. [US President](http://en.wikipedia.org/wiki/US_President) [Franklin D. Roosevelt](http://en.wikipedia.org/wiki/Franklin_D._Roosevelt), joked that perhaps 49,000 would do. Churchill denounced the idea of "the cold blooded execution of soldiers who fought for their country." However, he also stated that war criminals must pay for their crimes and that in accordance with the [Moscow Document](http://en.wikipedia.org/wiki/Moscow_Declaration#Statement_on_Atrocities) which he himself had written, they should be tried at the places where the crimes were committed. Churchill was vigorously opposed to executions "for political purposes."

The plan for the "Trial of European War Criminals" was drafted by [Secretary of War](http://en.wikipedia.org/wiki/United_States_Secretary_of_War) [Henry L. Stimson](http://en.wikipedia.org/wiki/Henry_L._Stimson) and the [War Department](http://en.wikipedia.org/wiki/United_States_Department_of_War). Following Roosevelt's death in April 1945, the new president, [Harry S. Truman](http://en.wikipedia.org/wiki/Harry_S._Truman), gave strong approval for a judicial process.[[citation needed](http://en.wikipedia.org/wiki/Wikipedia:Citation_needed)] After a series of negotiations between [Britain](http://en.wikipedia.org/wiki/UK), the [US](http://en.wikipedia.org/wiki/United_States), [Soviet Union](http://en.wikipedia.org/wiki/Soviet_Union) and [France](http://en.wikipedia.org/wiki/France), details of the trial were worked out. The trials were set to commence on 20 November 1945, in the [Bavarian](http://en.wikipedia.org/wiki/Bavarian) city of Nuremberg.

On January 14, 1942, representatives from the nine occupying countries met in London to draft the Inter-Allied Resolution on German War Crimes. At the meetings in [Tehran](http://en.wikipedia.org/wiki/Tehran_Conference) (1943), [Yalta](http://en.wikipedia.org/wiki/Yalta_Conference) (1945) and [Potsdam](http://en.wikipedia.org/wiki/Potsdam_Conference) (1945), the three major wartime powers, the United Kingdom, United States, and the Union of Soviet Socialist Republics agreed on the format of punishment for those responsible for war crimes during World War II. France was also awarded a place on the tribunal.

The legal basis for the trial was established by the [London Charter](http://en.wikipedia.org/wiki/London_Charter_of_the_International_Military_Tribunal), issued on August 8, 1945, which restricted the trial to "punishment of the major war criminals of the European Axis countries." Some 200 German war crimes defendants were tried at Nuremberg, and 1,600 others were tried under the traditional channels of military justice. The legal basis for the jurisdiction of the court was that defined by the [Instrument of Surrender of Germany](http://en.wikipedia.org/wiki/German_Instrument_of_Surrender,_1945). Political authority for Germany had been transferred to the [Allied Control Council](http://en.wikipedia.org/wiki/Allied_Control_Council) which, having sovereign power over Germany, could choose to punish violations of [international law](http://en.wikipedia.org/wiki/International_law) and the [laws of war](http://en.wikipedia.org/wiki/Laws_of_war). Because the court was limited to violations of the laws of war, it did not have jurisdiction over crimes that took place before the outbreak of war on September 3, 1939.

**The main trial**

The International Military Tribunal was opened on October 18, 1945, in the Palace of Justice in Nuremberg. The first session was presided over by the Soviet judge, Nikitchenko. The prosecution entered indictments against 24 major war criminals and six [criminal organizations](http://en.wikipedia.org/wiki/Organized_crime) – the leadership of the [Nazi](http://en.wikipedia.org/wiki/Nazism) party, the [Schutzstaffel](http://en.wikipedia.org/wiki/Schutzstaffel) (SS) and [Sicherheitsdienst](http://en.wikipedia.org/wiki/Sicherheitsdienst) (SD), the [Gestapo](http://en.wikipedia.org/wiki/Gestapo), the [Sturmabteilung](http://en.wikipedia.org/wiki/Sturmabteilung) (SA) and the "General Staff and High Command," comprising several categories of senior military officers.

The indictments were for:

1. Participation in a [common plan or conspiracy](http://en.wikipedia.org/wiki/Conspiracy_(crime)) for the accomplishment of a [crime against peace](http://en.wikipedia.org/wiki/Crime_against_peace)
2. Planning, initiating and waging [wars of aggression](http://en.wikipedia.org/wiki/War_of_aggression) and other crimes against peace
3. [War crimes](http://en.wikipedia.org/wiki/War_crime)
4. [Crimes against humanity](http://en.wikipedia.org/wiki/Crime_against_humanity)

The 24 accused were, with respect to each charge, either [indicted](http://en.wikipedia.org/wiki/Indictment) but acquitted (I), indicted and found guilty (G), or not charged (O), as listed below by defendant, charge, and eventual outcome:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Name** | **Count** | | | | **Penalty** | **Notes** |
|  | **1** | **2** | **3** | **4** |  |  |
| [Bundesarchiv Bild 183-R14128A, Martin Bormann.jpg](http://en.wikipedia.org/wiki/File:Bundesarchiv_Bild_183-R14128A,_Martin_Bormann.jpg)  [Martin Bormann](http://en.wikipedia.org/wiki/Martin_Bormann) | I | O | G | G | [Death](http://en.wikipedia.org/wiki/Capital_punishment) | Successor to Hess as Nazi Party Secretary. Sentenced to death in absentia. Remains found in Berlin in 1972 and dated to 1945.[[13]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-12) |
| [Karl Dönitz.jpg](http://en.wikipedia.org/wiki/File:Karl_D%C3%B6nitz.jpg)  [Karl Dönitz](http://en.wikipedia.org/wiki/Karl_D%C3%B6nitz) | I | G | G | O | 10 years | Leader of the [Kriegsmarine](http://en.wikipedia.org/wiki/Kriegsmarine) from 1943, succeeded Raeder. Initiator of the [U-boat](http://en.wikipedia.org/wiki/U-boat) campaign. Became [President of Germany](http://en.wikipedia.org/wiki/President_of_Germany) following [Hitler](http://en.wikipedia.org/wiki/Adolf_Hitler)'s death.[[14]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-donitz-13) In evidence presented at the trial of [Karl Dönitz](http://en.wikipedia.org/wiki/Karl_D%C3%B6nitz) on his orders to the [U-boat](http://en.wikipedia.org/wiki/U-boat) fleet to breach the [London Rules](http://en.wikipedia.org/wiki/London_Naval_Treaty), Admiral [Chester Nimitz](http://en.wikipedia.org/wiki/Chester_Nimitz) stated that [unrestricted submarine warfare](http://en.wikipedia.org/wiki/Unrestricted_submarine_warfare) was carried on in the Pacific Ocean by the United States from the first day that nation entered the war. Dönitz was found guilty of breaching the 1936 [Second London Naval Treaty](http://en.wikipedia.org/wiki/Second_London_Naval_Treaty), but his sentence was not assessed on the ground of his breaches of the international law of submarine warfare.[[15]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-NT-14) Defense attorney: [Otto Kranzbühler](http://en.wikipedia.org/wiki/Otto_Kranzb%C3%BChler) |
| [Ac.frank.jpg](http://en.wikipedia.org/wiki/File:Ac.frank.jpg)  [Hans Frank](http://en.wikipedia.org/wiki/Hans_Frank) | I | O | G | G | Death | Reich Law Leader 1933–1945 and Governor-General of the [General Government](http://en.wikipedia.org/wiki/General_Government) in occupied Poland 1939–1945. Expressed repentance.[[16]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-15) |
| [Wilhelm Frick 72-919.jpg](http://en.wikipedia.org/wiki/File:Wilhelm_Frick_72-919.jpg)  [Wilhelm Frick](http://en.wikipedia.org/wiki/Wilhelm_Frick) | I | G | G | G | Death | Hitler's Minister of the Interior 1933–1943 and Reich Protector of Bohemia-Moravia 1943–1945. Authored the [Nuremberg Race Laws](http://en.wikipedia.org/wiki/Nuremberg_Race_Laws).[[17]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-16) |
| [Hans Fritzsche12.jpg](http://en.wikipedia.org/wiki/File:Hans_Fritzsche12.jpg)  [Hans Fritzsche](http://en.wikipedia.org/wiki/Hans_Fritzsche) | I | I | I | O | [Acquitted](http://en.wikipedia.org/wiki/Acquitted) | Popular radio commentator; head of the news division of the Nazi Propaganda Ministry. Tried in place of [Joseph Goebbels](http://en.wikipedia.org/wiki/Joseph_Goebbels).[[18]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-17) |
| [Waltherfunk45.jpg](http://en.wikipedia.org/wiki/File:Waltherfunk45.jpg)  [Walther Funk](http://en.wikipedia.org/wiki/Walther_Funk) | I | G | G | G | [Life Imprisonment](http://en.wikipedia.org/wiki/Life_Imprisonment) | Hitler's Minister of Economics; succeeded Schacht as head of the [Reichsbank](http://en.wikipedia.org/wiki/Reichsbank). Released because of ill health on 16 May 1957.[[19]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-18) Died 31 May 1960. |
| [Goering1932.jpg](http://en.wikipedia.org/wiki/File:Goering1932.jpg)  [Hermann Göring](http://en.wikipedia.org/wiki/Hermann_G%C3%B6ring) | G | G | G | G | Death | [Reichsmarschall](http://en.wikipedia.org/wiki/Reichsmarschall), Commander of the [Luftwaffe](http://en.wikipedia.org/wiki/Luftwaffe) 1935–1945, Chief of the 4-Year Plan 1936–1945, and original head of the [Gestapo](http://en.wikipedia.org/wiki/Gestapo) before turning it over to the [SS](http://en.wikipedia.org/wiki/SS) in April 1934. Originally Hitler's designated successor and the second highest ranking Nazi official.[[20]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-19) By 1942, with his power waning, Göring fell out of favor and was replaced in the Nazi hierarchy by Himmler. Committed suicide the night before his execution.[[21]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-20) |
| [Rudolf hess portrait.jpg](http://en.wikipedia.org/wiki/File:Rudolf_hess_portrait.jpg)  [Rudolf Hess](http://en.wikipedia.org/wiki/Rudolf_Hess) | G | G | I | I | Life Imprisonment | Hitler's Deputy Führer until he flew to Scotland in 1941 in attempt to broker peace with Great Britain. After trial, committed to Spandau Prison; died in 1987.[[22]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-21) |
| [Alfred Jodl USA-E-Ardennes-2.jpg](http://en.wikipedia.org/wiki/File:Alfred_Jodl_USA-E-Ardennes-2.jpg)  [Alfred Jodl](http://en.wikipedia.org/wiki/Alfred_Jodl) | G | G | G | G | Death | [Wehrmacht](http://en.wikipedia.org/wiki/Wehrmacht) [Generaloberst](http://en.wikipedia.org/wiki/Generaloberst), Keitel's subordinate and Chief of the OKW's Operations Division 1938–1945.[[23]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-22) |
| [ErnstKaltenbrunner-12.jpg](http://en.wikipedia.org/wiki/File:ErnstKaltenbrunner-12.jpg)  [Ernst Kaltenbrunner](http://en.wikipedia.org/wiki/Ernst_Kaltenbrunner) | I | O | G | G | Death | Highest surviving [SS](http://en.wikipedia.org/wiki/SS)-leader. Chief of [RSHA](http://en.wikipedia.org/wiki/RSHA) 1943–45, the Nazi organ made up of the intelligence service, Secret State Police, Criminal Police and had overall command over the [Einsatzgruppen](http://en.wikipedia.org/wiki/Einsatzgruppen).[[24]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-23) |
| [Keitel Court.jpg](http://en.wikipedia.org/wiki/File:Keitel_Court.jpg)  [Wilhelm Keitel](http://en.wikipedia.org/wiki/Wilhelm_Keitel) | G | G | G | G | Death | Head of [Oberkommando der Wehrmacht](http://en.wikipedia.org/wiki/Oberkommando_der_Wehrmacht) (OKW) 1938–1945.[[25]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-24) |
| [Bundesarchiv Bild 102-12331, Gustav Krupp von Bohlen und Halbach.jpg](http://en.wikipedia.org/wiki/File:Bundesarchiv_Bild_102-12331,_Gustav_Krupp_von_Bohlen_und_Halbach.jpg)  [Gustav Krupp von Bohlen und Halbach](http://en.wikipedia.org/wiki/Gustav_Krupp_von_Bohlen_und_Halbach) |  | I | I | I | ---- | Major Nazi industrialist. C.E.O of Krupp A.G 1912–45. Medically unfit for trial (died January 16, 1950). The prosecutors attempted to substitute his son [Alfried](http://en.wikipedia.org/wiki/Alfried_Krupp_von_Bohlen_und_Halbach) (who ran Krupp for his father during most of the war) in the indictment, but the judges rejected this as being too close to trial.[[26]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-25) Alfried was tried in a separate Nuremberg trial for his use of slave labor, thus escaping the worst notoriety and possibly death. |
| [Bundesarchiv Bild 183-2008-0922-501, Robert Ley.jpg](http://en.wikipedia.org/wiki/File:Bundesarchiv_Bild_183-2008-0922-501,_Robert_Ley.jpg)  [Robert Ley](http://en.wikipedia.org/wiki/Robert_Ley) | I | I | I | I | ---- | Head of [DAF](http://en.wikipedia.org/wiki/Deutsche_Arbeitsfront), The German Labour Front. Suicide on 25 October 1945, before the trial began. |
| [Konstantin von Neurath crop.jpg](http://en.wikipedia.org/wiki/File:Konstantin_von_Neurath_crop.jpg)  Baron [Konstantin von Neurath](http://en.wikipedia.org/wiki/Konstantin_von_Neurath) | G | G | G | G | 15 years | Minister of Foreign Affairs 1932–1938, succeeded by [Ribbentrop](http://en.wikipedia.org/wiki/Ribbentrop). Later, Protector of [Bohemia](http://en.wikipedia.org/wiki/Bohemia) and [Moravia](http://en.wikipedia.org/wiki/Moravia) 1939–43. Resigned in 1943 because of a dispute with Hitler. Released (ill health) 6 November 1954[[27]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-26) after having a heart attack. Died 14 August 1956. |
| [Vonpapen1.jpg](http://en.wikipedia.org/wiki/File:Vonpapen1.jpg)  [Franz von Papen](http://en.wikipedia.org/wiki/Franz_von_Papen) | I | I | O | O | Acquitted | [Chancellor of Germany](http://en.wikipedia.org/wiki/Chancellor) in 1932 and Vice-Chancellor under Hitler in 1933–1934. Ambassador to Austria 1934–38 and ambassador to [Turkey](http://en.wikipedia.org/wiki/Turkey) 1939–1944. Although acquitted at Nuremberg, von Papen was reclassified as a war criminal in 1947 by a German de-Nazification court, and sentenced to eight years' hard labour. He was acquitted following appeal after serving two years.[[28]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-27) |
| [Erich Raeder.jpg](http://en.wikipedia.org/wiki/File:Erich_Raeder.jpg)  [Erich Raeder](http://en.wikipedia.org/wiki/Erich_Raeder) | G | G | G | O | Life Imprisonment | Commander In Chief of the Kriegsmarine from 1928 until his retirement in 1943, succeeded by Dönitz. Released (ill health) 26 September 1955.[[29]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-28) Died 6 November 1960. |
| [GERibbentrop.jpg](http://en.wikipedia.org/wiki/File:GERibbentrop.jpg)  [Joachim von Ribbentrop](http://en.wikipedia.org/wiki/Joachim_von_Ribbentrop) | G | G | G | G | Death | Ambassador-Plenipotentiary 1935–1936. Ambassador to the United Kingdom 1936–1938. Nazi Minister of Foreign Affairs 1938–1945,[[30]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-29) |
| [Bundesarchiv Bild 183-1985-0723-500, Alfred Rosenberg.jpg](http://en.wikipedia.org/wiki/File:Bundesarchiv_Bild_183-1985-0723-500,_Alfred_Rosenberg.jpg)  [Alfred Rosenberg](http://en.wikipedia.org/wiki/Alfred_Rosenberg) | G | G | G | G | Death | [Racial theory](http://en.wikipedia.org/wiki/Master_race) ideologist. Later, Minister of the Eastern Occupied Territories 1941–1945.[[31]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-30) |
| [Fritz Sauckel.jpg](http://en.wikipedia.org/wiki/File:Fritz_Sauckel.jpg)  [Fritz Sauckel](http://en.wikipedia.org/wiki/Fritz_Sauckel) | I | I | G | G | Death | Gauleiter of Thuringia 1927–1945. Plenipotentiary of the Nazi slave labor program 1942–1945.[[32]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-31) Defense attorney: [Robert Servatius](http://en.wikipedia.org/wiki/Robert_Servatius) |
| [HSchacht.jpg](http://en.wikipedia.org/wiki/File:HSchacht.jpg)  [Dr. Hjalmar Schacht](http://en.wikipedia.org/wiki/Hjalmar_Schacht) | I | I | O | O | Acquitted | Prominent banker and economist. Pre-war president of the Reichsbank 1923–1930 & 1933–1938 and Economics Minister 1934–1937. Admitted to violating the [Treaty of Versailles](http://en.wikipedia.org/wiki/Treaty_of_Versailles).[[33]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-32) |
| [Baldur von Schirach beim Diner.jpg](http://en.wikipedia.org/wiki/File:Baldur_von_Schirach_beim_Diner.jpg)  [Baldur von Schirach](http://en.wikipedia.org/wiki/Baldur_von_Schirach) | I | O | O | G | 20 years | Head of the [Hitlerjugend](http://en.wikipedia.org/wiki/Hitler_Youth) from 1933 to 1940, Gauleiter of [Vienna](http://en.wikipedia.org/wiki/Vienna) 1940–1945. Expressed repentance.[[34]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-33) |
| [Inquart crop.jpg](http://en.wikipedia.org/wiki/File:Inquart_crop.jpg)  [Arthur Seyss-Inquart](http://en.wikipedia.org/wiki/Arthur_Seyss-Inquart) | I | G | G | G | Death | Instrumental in the [Anschluss](http://en.wikipedia.org/wiki/Anschluss) and briefly Austrian Chancellor 1938. Deputy to Frank in Poland 1939–1940. Later, Reich Commissioner of the occupied Netherlands 1940–1945. Expressed repentance.[[35]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-34) |
| [Albert-Speer-72-929.jpg](http://en.wikipedia.org/wiki/File:Albert-Speer-72-929.jpg)  [Albert Speer](http://en.wikipedia.org/wiki/Albert_Speer) | I | I | G | G | 20 Years | Hitler's favorite architect and close friend, and Minister of Armaments from 1942 until the end of the war. In this capacity, he was ultimately responsible for the use of slave laborers from the occupied territories in armaments production. Expressed repentance.[[36]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-35) |
| [Julius Streicher 72-920 crop.jpg](http://en.wikipedia.org/wiki/File:Julius_Streicher_72-920_crop.jpg)  [Julius Streicher](http://en.wikipedia.org/wiki/Julius_Streicher) | I | O | O | G | Death | Gauleiter of Franconia 1922–1940. Publisher of the weekly newspaper, [Der Stürmer](http://en.wikipedia.org/wiki/Der_St%C3%BCrmer).[[37]](http://en.wikipedia.org/wiki/Nuremberg_Trials#cite_note-36) |

Throughout the trials, specifically between January and July 1946, the defendants and a number of witnesses were interviewed by American psychiatrist [Leon Goldensohn](http://en.wikipedia.org/wiki/Leon_Goldensohn). His notes detailing the demeanor and comments of the defendants survive; they were edited into book form and published in 2004.

The death sentences were carried out 16 October 1946 by [hanging](http://en.wikipedia.org/wiki/Hanging) using the standard drop method instead of [long drop](http://en.wikipedia.org/wiki/Hanging#Long_drop). The U.S. army denied claims that the drop length was too short which caused the condemned to die slowly from strangulation instead of quickly from a broken neck.

The executioner was [John C. Woods](http://en.wikipedia.org/wiki/John_C._Woods). Although the rumor has long persisted that the bodies were taken to Dachau and burned there, they were actually incinerated in a crematorium in Munich, and the ashes scattered over the river [Isar](http://en.wikipedia.org/wiki/Isar). The French judges suggested the use of a firing squad for the military condemned, as is standard for military courts-martial, but this was opposed by Biddle and the Soviet judges. These argued that the military officers had violated their military ethos and were not worthy of the firing squad, which was considered to be more dignified. The prisoners sentenced to incarceration were transferred to [Spandau Prison](http://en.wikipedia.org/wiki/Spandau_Prison) in 1947.

Of the 12 defendants sentenced to death by hanging, two were not hanged: Hermann Göring committed suicide the night before the execution and Martin Bormann was not present when convicted (he had, unbeknownst to the Allies, committed suicide in Berlin in 1945). The remaining 10 defendants sentenced to death were hanged.

The creation of the IMT was followed by trials of lesser Nazi officials and the trials of Nazi doctors, who performed experiments on people in prison camps. It served as the model for the [International Military Tribunal for the Far East](http://en.wikipedia.org/wiki/International_Military_Tribunal_for_the_Far_East) which tried Japanese officials for crimes against peace and against humanity. It also served as the model for the [Eichmann trial](http://en.wikipedia.org/wiki/Eichmann_trial) and for present-day courts at The Hague, for trying crimes committed during the Balkan wars of the early 1990s, and at Arusha, for trying the people responsible for the genocide in Rwanda.

The Nuremberg trials had a great influence on the development of [international criminal law](http://en.wikipedia.org/wiki/International_criminal_law). The Conclusions of the Nuremberg trials served as models for:

* [The Genocide Convention](http://en.wikipedia.org/wiki/The_Genocide_Convention), 1948.
* The [Universal Declaration of Human Rights](http://en.wikipedia.org/wiki/Universal_Declaration_of_Human_Rights), 1948.
* The [Nuremberg Principles](http://en.wikipedia.org/wiki/Nuremberg_Principles), 1950.
* [The Convention on the Abolition of the Statute of Limitations on War Crimes and Crimes against Humanity](http://en.wikipedia.org/wiki/The_Convention_on_the_Abolition_of_the_Statute_of_Limitations_on_War_Crimes_and_Crimes_against_Humanity), 1968.
* The [Geneva Convention](http://en.wikipedia.org/wiki/Geneva_Convention) on the Laws and Customs of War, 1949; its supplementary protocols, 1977.

The [International Law Commission](http://en.wikipedia.org/wiki/International_Law_Commission), acting on the request of the [United Nations General Assembly](http://en.wikipedia.org/wiki/United_Nations_General_Assembly), produced in 1950 the report Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgement of the Tribunal (Yearbook of the International Law Commission, 1950, vol. II). See [Nuremberg Principles](http://en.wikipedia.org/wiki/Nuremberg_Principles).

The influence of the tribunal can also be seen in the proposals for a permanent international criminal court, and the drafting of international criminal codes, later prepared by the International Law Commission.

The Nuremberg trials initiated a movement for the prompt establishment of a permanent international criminal court, eventually leading over fifty years later to the adoption of the Statute of the [International Criminal Court](http://en.wikipedia.org/wiki/International_Criminal_Court).

**Proponents against Nuremberg**

Critics of the Nuremberg trials argued that the charges against the defendants were only defined as "crimes" after they were committed and that therefore the trial was invalid as a form of "[victors' justice](http://en.wikipedia.org/wiki/Victors%27_justice)". As Biddiss noted "...the Nuremberg Trial continues to haunt us... It is a question also of the weaknesses and strengths of the proceedings themselves. The undoubted flaws rightly continue to trouble the thoughtful."

Chief Justice of the United States Supreme Court [Harlan Fiske Stone](http://en.wikipedia.org/wiki/Harlan_Fiske_Stone) called the Nuremberg trials a fraud. "(Chief U.S. prosecutor) Jackson is away conducting his high-grade lynching party in Nuremberg," he wrote. "I don't mind what he does to the Nazis, but I hate to see the pretense that he is running a court and proceeding according to common law. This is a little too sanctimonious a fraud to meet my old-fashioned ideas."

Jackson, in a letter discussing the weaknesses of the trial, in October 1945 told U.S. President [Harry S. Truman](http://en.wikipedia.org/wiki/Harry_S._Truman) that the Allies themselves "have done or are doing some of the very things we are prosecuting the Germans for. The French are so violating the Geneva Convention in the treatment of prisoners of war that our command is taking back prisoners sent to them. We are prosecuting plunder and our Allies are practicing it. We say aggressive war is a crime and one of our allies asserts sovereignty over the Baltic States based on no title except conquest."

Associate Supreme Court Justice [William O. Douglas](http://en.wikipedia.org/wiki/William_O._Douglas) charged that the Allies were guilty of "substituting power for principle" at Nuremberg. "I thought at the time and still think that the Nuremberg trials were unprincipled," he wrote. "Law was created ex post facto to suit the passion and clamor of the time."

U.S. Deputy Chief Counsel [Abraham Pomerantz](http://en.wikipedia.org/wiki/Abraham_Pomerantz) resigned in protest at the low caliber of the judges assigned to try the industrial war criminals such as those at [I.G. Farben](http://en.wikipedia.org/wiki/I.G._Farben).

The validity of the court has been questioned for a variety of reasons:

* The defendants were not allowed to appeal or affect the selection of judges. [A. L. Goodhart](http://en.wikipedia.org/wiki/A._L._Goodhart), Professor at [Oxford](http://en.wikipedia.org/wiki/Oxford_University), opposed the view that, because the judges were appointed by the victors, the Tribunal was not impartial and could not be regarded as a court in the true sense. He wrote:

"Attractive as this argument may sound in theory, it ignores the fact that it runs counter to the administration of law in every country. If it were true then no spy could be given a legal trial, because his case is always heard by judges representing the enemy country. Yet no one has ever argued that in such cases it was necessary to call on neutral judges. The prisoner has the right to demand that his judges shall be fair, but not that they shall be neutral. As Lord Writ has pointed out, the same principle is applicable to ordinary criminal law because 'a burglar cannot complain that he is being tried by a jury of honest citizens.'"

* One of the charges, brought against Keitel, Jodl, and Ribbentrop included conspiracy to commit aggression against Poland in 1939. The Secret Protocols of the [German-Soviet Non-Aggression Pact](http://en.wikipedia.org/wiki/German-Soviet_Non-Aggression_Pact) of 23 August 1939, proposed the partition of Poland between the Germans and the Soviets (which was subsequently executed in September 1939); however, Soviet leaders were not tried for being part of the same conspiracy. Instead, the Tribunal falselyproclaimed the Secret Protocols of the Non-Aggression Pact to be a forgery. Moreover, Allied Powers Britain and Soviet Union were not tried for preparing and conducting the [Anglo-Soviet invasion of Iran](http://en.wikipedia.org/wiki/Anglo-Soviet_invasion_of_Iran) and the [Winter War](http://en.wikipedia.org/wiki/Winter_War), respectively.
* In 1915, the Allied Powers, Britain, France, and Russia, jointly issued a statement explicitly charging, for the first time, another government (the [Sublime Porte](http://en.wikipedia.org/wiki/Sublime_Porte)) of committing "a [crime against humanity](http://en.wikipedia.org/wiki/Crime_against_humanity)". However it was not until the phrase was further developed in the London Charter that it had a specific meaning. As the London Charter definition of what constituted a crime against humanity was unknown when many of the crimes were committed, it could be argued to be a retrospective law, in violation of the principles of prohibition of [ex post facto laws](http://en.wikipedia.org/wiki/Ex_post_facto_law) and the general principle of penal law [nullum crimen, nulla poena sine praevia lege poenali](http://en.wikipedia.org/wiki/Nullum_crimen,_nulla_poena_sine_praevia_lege_poenali).
* The court agreed to relieve the Soviet leadership from attending these trials as war criminals in order to hide their [crimes against war civilians](http://en.wikipedia.org/wiki/Soviet_war_crimes), war crimes that were committed by their army that included "carving up Poland in 1939 and attacking Finland three months later." This "exclusion request" was initiated by the Soviets and subsequently approved by the court's administration.

* The trials were conducted under their own [rules of evidence](http://en.wikipedia.org/wiki/Rules_of_evidence); the [tu quoque](http://en.wikipedia.org/wiki/Tu_quoque) defense was removed; and some claim the entire spirit of the assembly was "[victor's justice](http://en.wikipedia.org/wiki/Victor%27s_justice)". The Charter of the International Military Tribunal permitted the use of normally inadmissible "evidence". Article 19 specified that "The Tribunal shall not be bound by technical rules of evidence... and shall admit any evidence which it deems to have probative value". Article 21 of the Nuremberg International Military Tribunal (IMT) Charter stipulated:

"The Tribunal shall not require proof of facts of common knowledge but shall take [judicial notice](http://en.wikipedia.org/wiki/Judicial_notice) thereof. It shall also take judicial notice of official governmental documents and reports of the United [Allied] Nations, including acts and documents of the committees set up in the various allied countries for the investigation of war crimes, and the records and findings of military and other Tribunals of any of the United [Allied] Nations"

* The chief Soviet prosecutor submitted false documentation in an attempt to indict defendants for the murder of thousands of Polish officers in the Katyn forest near Smolensk. However, the other Allied prosecutors refused to support the indictment and German lawyers promised to mount an embarrassing defense. No one was charged or found guilty at Nuremberg for the [Katyn Forest massacre](http://en.wikipedia.org/wiki/Katyn_Massacre). In 1990, the Soviet government acknowledged that the Katyn massacre was carried out, not by the Germans, but by the Soviet secret police.
* [Freda Utley](http://en.wikipedia.org/wiki/Freda_Utley), in her 1949 book "The High Cost of Vengeance"[[1]](http://www.fredautley.com/nuremberg.htm) charged the court with amongst other things double standards. She pointed to the Allied use of [civilian forced labor](http://en.wikipedia.org/wiki/Forced_labor_of_Germans_in_the_Soviet_Union), and deliberate starvation of civilians in the occupied territories. She also noted that General Rudenko, the chief Soviet prosecutor, after the trials became commandant of the [Sachsenhausen concentration camp](http://en.wikipedia.org/wiki/Sachsenhausen_concentration_camp). (After the fall of East Germany the bodies of 12,500 Soviet era victims were uncovered at the camp, mainly "children, adolescents and elderly people.")

* Luise, the wife of [Alfred Jodl](http://en.wikipedia.org/wiki/Alfred_Jodl), attached herself to her husband's defence team. Subsequently interviewed by [Gitta Sereny](http://en.wikipedia.org/wiki/Gitta_Sereny), researching her biography of [Albert Speer](http://en.wikipedia.org/wiki/Albert_Speer), Luise alleged that in many instances the [Allied](http://en.wikipedia.org/wiki/Allied_Powers) prosecution made charges against Jodl based on documents that they refused to share with the defense. Jodl nevertheless proved some of the charges made against him were untrue, such as the charge that he helped Hitler gain control of Germany in 1933. He was in one instance aided by a [GI](http://en.wikipedia.org/wiki/GI_(term)) clerk who chose to give Luise a document showing that the execution of a group of British commandos in [Norway](http://en.wikipedia.org/wiki/Norway) had been legitimate. The GI warned Luise that if she didn't copy it immediately she would never see it again; "... it was being 'filed'."

Moreover, the Tribunal itself strongly disputed that the [London Charter](http://en.wikipedia.org/wiki/London_Charter_of_the_International_Military_Tribunal) was ex post facto law, pointing to existing international agreements signed by Germany that made aggressive war and certain wartime actions unlawful, such as the [Kellogg-Briand Pact](http://en.wikipedia.org/wiki/Kellogg-Briand_Pact), the [Covenant of the League of Nations](http://en.wikipedia.org/wiki/Covenant_of_the_League_of_Nations), and the [Hague Conventions](http://en.wikipedia.org/wiki/Hague_Conventions_(1899_and_1907)).

Additionally, manycommentators felt the Nuremberg Trials represented a step forward in extending fairness to the vanquished by requiring that actual criminal misdeeds be proved before punishment could ensue; including some of the defendants and their legal team:

Perhaps the most telling responses to the critics of Jackson and Nuremberg were those of the defendants at trial. Hans Frank, the defendant who had served as the Nazi Governor General of occupied Poland, stated, "I regard this trial as a God-willed court to examine and put an end to the terrible era of suffering under Adolf Hitler." With the same theme, but a different emphasis, defendant Albert Speer, Hitler's war production minister, said, "This trial is necessary. There is a shared responsibility for such horrible crimes even in an authoritarian state." Dr. Theodore Klefish, a member of the German defense team, wrote: "It is obvious that the trial and judgment of such proceedings require of the tribunal the utmost impartiality, loyalty and sense of justice. The Nuremberg tribunal has met all these requirements with consideration and dignity. Nobody dares to doubt that it was guided by the search for truth and justice from the first to the last day of this tremendous trial."

In his opening statements to the trial, after the indictments had been read and the defendants had enterered pleas of not guilty to the charges, Mr Justice Jackson explained some of the difficulties faced by the prosecution:

In justice to the nations and the men associated in this prosecution, I must remind you of certain difficulties which may leave their mark on this case. Never before in legal history has an effort been made to bring within the scope of a single litigation the developments of a decade, covering a whole continent, and involving a score of nations, countless individuals, and innumerable events. Despite the magnitude of the task, the world has demanded immediate action. This demand has had to be met, though perhaps at the cost of finished craftmanship. In my country, established courts, following familiar procedures, applying well-thumbed precedents, and dealing with the legal consequences of local and limited events, seldom commence a trial within a year of the event in litigation. Yet less than eight months ago to-day the courtroom in which you sit was an enemy fortress in the hands of German S.S. troops. Less than eight months ago nearly all our witnesses and documents were in enemy hands.

He also acknowledged that the trial would not be perfect, as well as asserting the legal precedent being set:

I should be the last to deny that the case may well suffer from incomplete researches, and quite likely will not be the example of professional work which any of the prosecuting nations would normally wish to sponsor. It is, however, a completely adequate case to the judgment we shall ask you to render, and its full development we shall be obliged to leave to historians... At the very outset, let us dispose of the contention that to put these men to trial is to do them an injustice, entitling them to some special consideration. These defendants may be hard pressed but they are not ill used... If these men are the first war leaders of a defeated nation to be prosecuted in the name of the law, they are also the first to be given the chance to plead for their lives in the name of the law.

One criticism that was made of the IMT was that some treaties were not binding on the Axis powers because they were not signatories. This was addressed in the judgment relating to war crimes and crimes against humanity, which contains an expansion of customary law: "the Convention [Hague 1907](http://en.wikipedia.org/wiki/Hague_Conventions_(1899_and_1907)#Hague_Convention_of_1907) expressly stated that it was an attempt 'to revise the general laws and customs of war,' which it thus recognised to be then existing, but by 1939 these rules laid down in the Convention were recognised by all civilised nations, and were regarded as being declaratory of the laws and customs of war which are referred to in Article 6 (b) of the [London] Charter." The implication under international law is that if enough countries have signed up to a treaty, and that treaty has been in effect for a reasonable period of time, then it can be interpreted as binding on all nations, not just those who signed the original treaty. This is a highly controversial aspect of international law, one that is still actively debated in international legal journals.

**THE TOKYO WAR CRIMES TRIALS**

**I. THE INDICTMENT**

Of the eighty (80) Class A war criminal suspects detained in the Sugamo prison after 1945, twenty-eight (28) men were brought to trial before the IMTFE. The accused included nine civilians and nineteen professional military men:

* Four former premiers: Hiranuma, Hirota, Koiso, Tojo;
* Three former foreign ministers: Matsuoka, Shigemitsu, Togo
* Four former war ministers: Araki, Hata, Itagaki, Minami
* Two former navy ministers: Nagano, Shimada
* Six former generals: Doihara, Kimura, Matsui, Muto, Sato, Umezu
* Two former ambassadors: Oshima, Shiratori
* Three former economic and financial leaders: Hoshino, Kaya, Suzuki
* One imperial adviser: Kido
* One radical theorist: Okawa
* One admiral: Oka
* One colonel: Hashimoto

The indictment accused the defendants of promoting a scheme of conquest that "contemplated and carried out ... murdering, maiming and ill-treating prisoners of war (and) civilian internees ... forcing them to labor under inhumane conditions ... plundering public and private property, wantonly destroying cities, towns and villages beyond any justification of military necessity; (perpetrating) mass murder, rape, pillage, brigandage, torture and other barbaric cruelties upon the helpless civilian population of the over-run countries."

Joseph Keenan, the chief prosecutor representing the United States at the trial, issued a press statement along with the indictment: " war and treaty-breakers should be stripped of the glamour of national heroes and exposed as what they really are --- plain, ordinary murderers."

**II. WAR CRIMES IN CHINA REVEALED**

**The Nanking Massacre**

Numerous eye-witness accounts of the Nanking Massacre were provided by Chinese civilian survivors and western nationals living in Nanking at the time. The accounts included gruesome details of the Nanking Massacre. Thousands of innocent civilians were buried alive, used as targets for bayonet practice, shot in large groups and thrown into the Yangtze River. Rampant rapes (and gang rapes) of women ranging from age seven to over seventy were reported. The international community estimated that within the six weeks of the Massacre, 20,000 women were raped, many of them subsequently murdered or mutilated; and over 300,000 people were killed, often with the most inhumane brutality.

Dr. Robert Wilson, a surgeon who was born and raised in Nanking and educated at Princeton and Harvard Medical School, testified that beginning with December 13, "the hospital filled up and was kept full to overflowing" during the next six weeks. The patients usually bore bayonet or bullet wounds; many of the women patients had been sexually molested.

The international community had filed many protests to the Japanese Embassy. Bates, an American professor of history at the University of Nanking during the Japanese occupation, provided evidence that the protests were forwarded to Tokyo and were discussed in great detail between Japanese officials and the U.S. ambassador in Tokyo.

Brackman (reporter at the trial and author of the book "The Other Nuremberg") commented: "The Rape of Nanking was not the kind of isolated incident common to all wars. It was deliberate. It was policy. It was known in Tokyo." Yet it was allowed to continue for over six weeks.

**Unconventional warfare: Narcotics and Bacteriological warfare**

Trafficking  
Japan's opium operations in China in the 30's and 40's was conducted with full approval from Tokyo as a state policy, under the directives of an official Japanese umbrella organization, the China Affairs Board. The Board was responsible for political, economic, and cultural affairs in occupied China. This organization was run by Prince Konoye, and the ministers of war, the navy, finance and foreign affairs of the time.

Japan's opium trafficking was designed to weaken the Chinese people's will to resist and to provide substantial revenues to finance Japanese military and economic aggression.

Reference to the bacteriological warfare was only briefly mentioned during the trial. The assistant U.S. prosecutor David Sutton read the following statements: "The enemy's TAMA Detachment carried off their civilian captives to the medical laboratory, where the reactions to poisonous serums were tested.

This detachment was one of the most secret organizations. The number of persons slaughtered by this detachment cannot be ascertained." Surprisingly, the prosecutor did not pursue the subject, and hence was rejected as unsupported.

After the trial by the IMTFE, in December 25-30, 1949, the Soviets tried twelve former members of the TAMA detachment who were captured in Manchuria. The twelve were convicted of conducting experiments on living people.

In the February 23, 1950 issue of Izvestia, the Soviet government daily, the Soviets charged that in September 1946, the Soviet prosecutors had turned over to the U.S. prosecutor, the chief of the Allied counsel, hard evidence of Japan's experiments on bacteriological weapons.

In 1976, the Tokyo Broadcasting System confirmed the existence of the TAMA detachment. Five living members of the top-secret operation told a Japanese reporter that they had escaped indictment as war criminals in return for divulging their research to the U.S. authorities.

**III. THE VERDICT**

Two (Yosuke Matsuoka and Osami Nagano) of the twenty-eight defendants died of natural causes during the trial. One defendant (Shumei Okawa) had a mental breakdown on the first day of trial, was sent to a psychiatric ward and was released in 1948 a free man. The remaining twenty-five (25) were all found guilty, many of multiple counts. Seven (7) were sentenced to death by hanging, sixteen (16) to life imprisonment, and two (2) to lesser terms. All seven sentenced to death were found to be guilty of inciting or otherwise implicated in mass-scale atrocities, among other counts. Three of the sixteen sentenced to life imprisonment died between 1949 and 1950 in prison. The remaining thirteen (13) were paroled between 1954 and 1956, less than eight years in prison for their crimes against millions of people.

Two former ambassadors were sentenced to seven and twenty years in prison. One died two years later in prison. The other one, Shigemitsu, was paroled in 1950, and was appointed foreign minister in 1954.

**SUMMARY OF THE VERDICT AND SENTENCE**

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **COUNTS ACCUSED** | **1** | **27** | **29** | **31** | **32** | **33** | **35** | **36** | **54** | **55** | **SENTENCE NOTE** |
| ARAKI | G | G | X | X | X | X | X | X | X | X | Life Imp. Paroled 1955 |
| DOIHARA | G | G | G | G | G | X | G | G | G | U | Death |
| HASHIMOTO | G | G | X | X | X | O | O | O | X | X | Life Imp.  Paroled 1945 |
| HATA | G | G | G | G | G | O | X | X | X | G | Life Imp.  Paroled 1955 |
| HIRANUMA | G | G | G | G | G | X | X | G | X | X | Life Imp.  Paroled 1955 |
| HIROTA | G | G | X | X | X | X | X | O | X | G | Death |
| HOSHINO | G | G | G | G | G | X | X | O | X | X | Life Imp.  Paroled 1955 |
| ITAGAKI | G | G | G | G | G | X | G | G | G | U | Death |
| KAYA | G | G | G | G | G | O | O | O | X | X | Life Imp.  Paroled 1955 |
| KIDO | G | G | G | G | G | X | X | X | X | X | Life Imp.  Paroled 1955 |
| KIMURA | G | G | G | G | G | O | O | O | G | G | Death |
| KOISO | G | G | G | G | G | O | O | X | X | G | Life Imp.  Died 1950 |
| MATSUI | X | X | X | X | X | O | X | X | X | G | Death |
| MINAMI | G | G | X | X | X | O | O | O | X | X | Life Imp.  Paroled 1954 |
| MUTO | G | G | G | G | G | X | O | X | G | G | Death |
| OKA | G | G | G | G | G | O | O | O | X | X | Life Imp.  Paroled 1954 |
| OSHIMA | G | X | X | X | X | O | O | O | X | X | Life Imp.  Paroled 1955 |
| SATO | G | G | G | G | G | O | O | O | X | X | Life Imp.  Paroled 1956 |
| SHIGEMITSU | X | G | G | G | G | G | X | O | X | G | 7 years Paroled 1950 Appointed Foreign Minister 1954 |
| SHIMADA | G | G | G | G | G | O | O | O | X | X | Life Imp.  Paroled 1955 |
| SHIRATORI | G | X | X | X | X | O | O | O | O | O | Life Imp.  Died 1949 |
| SUZUKI | G | G | G | G | G | O | X | X | X | X | Life Imp.  Paroled 1955 |
| TOGO | G | G | G | G | G | O | O | X | X | X | 20 years  Died 1948 |
| TOJO | G | G | G | G | G | G | O | X | G | U | Death  Enshrined as "martyr"  at the Yasukuni Shrine  in 1978 |
| UMEZU | G | G | G | G | G | O | O | X | X | X | Life Imp. Died 1949 |

G: Guilty; X: Not Guilty; O: Blank; U: Other.